

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P.No.5556 of 1994

Date of Decision: 23 - 8 -2006

Joginder Singh

.....Petitioner

v.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE P.S.PATWALIA

Present: Mr.Gurbachan Singh, Advocate
for the petitioner.

Mr.G.C.Gupta, DAG, Punjab
for the respondents.

P.S.PATWALIA, J. (Oral)

The petitioner was appointed as Mali-cum-Chowkidar on temporary basis in the Sainik Rest House, Sangrur with effect from 10.4.1968 by the Deputy Commissioner and President District Soldier, Sailors and Airmen's Board, Sangrur. The petitioner ultimately retired on attaining the age of superannuation after completing 60 years of age on 30.4.1994. It is his contention that before and after his retirement he submitted representations for regularisation of his services and for grant of pensionary benefits. However, when no action was taken on those representations, he was left with no option but to approach this Court by filing the present writ petition wherein he has claimed that he should be granted pension for the service rendered by him. To this writ petition a reply was filed by the Deputy Director, Sainik Welfare, Sangrur. In that reply a stand had been taken that the petitioner was an employee of the Sainik Rest House. His services were never taken over by the State Government and his conditions of service were not regulated by the Punjab Civil Services Rules. It was stated that employees

working in the Sainik Rest Houses were governed under separate rules. The Sainik Rest Houses are neither the property of the State Government nor their maintenance or construction was done by the Punjab Government budget or funds. It was further stated in the reply that no employee of the Sainik Rest House similarly situated, as the petitioner, had ever been granted pension upto date.

When the petition had come up for final hearing the petitioner filed C.M.No.11962 of 2006. Therein he gave the names of four persons, according to him who were similarly situated as the petitioner and had been granted pension. As a result of this, it became necessary to direct the respondents to file a detailed affidavit bringing on record the status of the persons mentioned in the application vis-a-vis the petitioner. The petitioner had further claimed that the District Soldier Sailors and Airmen's Board had been renamed as Punjab Rajya Sainik Board and there was no distinction between the employees of this Board and the employees of the Directorate of Sainik Welfare Board and therefore on this ground also he was entitled to pension. It was therefore necessary to get a clarification from the respondents on this point as well. Written statement has now been filed by Brig. (Retd.) J.S.Jaswal, Director Sainik Welfare Punjab-cum- Secretary Rajya Sainik Board, Punjab as also a separate written statement has been filed by Lt. Col. D.S.Sidhu, Deputy Director, Sainik Welfare, Sangrur to the miscellaneous application filed by the petitioner.

In the said written statements, it has been clearly indicated that the Directorate of Sainik Welfare and Rajya Sainik Board are two separate and independent organisations. While the Directorate of Sainik Welfare Punjab is a Government organisation functioning under the Ministry of Defence Services Welfare, Government of Punjab, the Rajya Sainik Board is a non Government organisation. The Directorate of Sainik Welfare, Punjab is under the over all charge of a Minister and the employees of the Directorate are the government employees. On the other hand Rajya Sainik Board is a purely non Government

organisation. The Governor is the Ex-officio President besides the Chief Minister and the Army Commandant. The Director of the Sainik Welfare, Punjab acts as Secretary, Rajya Sainik Board as ex-officio. It has further been stated that employees mentioned by the petitioner in his application were all employees of the Directorate of the Sainik Welfare, Punjab. Being the Government employees, they were granted pension. On the other hand, it has been stated that the petitioner was an ex-employee of the Sainik Rest House functioning under the Rajya Sainik Board. The services of the petitioner were governed under the Sainik Welfare Rules. The employees of the Sainik Rest House are not entitled to pension on retirement and no employee of the Sainik Rest House has ever been granted pension.

Learned counsel for the petitioner, however, urges that if appointment letter, Annexure P-1 of the petitioner is seen it will be clear that the appointment was made by the President District Soldier Sailors and Airmen's Board, Sangrur. The appointment letter had been issued by the Deputy Commissioner as President of the said Board. He therefore states that the petitioner cannot be said to be an employee of the Sainik Rest House, Sangrur. Even if it is taken that petitioner was an employee of the Rajya Sainik Board, still in my opinion, he is not entitled to pension. It is clear that Rajya Sainik Board is a non Government organisation. The employees of the said Board are not governed by the Punjab Civil Services Rules. No employee of the Sainik Rest House is entitled to pension or has ever been granted pension.

In view of the categorical stand taken by the respondents, I am of the opinion that there is no merit in the claim of the petitioner for the grant of pension. The writ petition is therefore dismissed. In the circumstances of this case there shall, however, be no order as to costs.

August 23, 2006.

**(P.S.PATWALIA)
JUDGE**